

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Criminal Action No.  
22-00048-11-CR-W-DGK

KYEIR C. THEUS,

Defendant.

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**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

The following matters were discussed and action taken during the pretrial conference:

**PENDING CHARGES:** Count 1: Conspiracy to distribute 5 kilograms or more of cocaine; fentanyl; and less than 50 kilograms of marijuana *in violation of* 21 U.S.C. § 841(a)(1), (b)(1)(C) and (b)(1)(D)

Count 5: Felon in Possession of a Firearm or Ammunition *in violation of* 18 U.S.C. § 922(g)(1) and 924(a)(2)

Count 27: Use of a Communication Facility to Facilitate a Drug Trafficking Crime *in violation of* 21 U.S.C. § 843(b) and (d)(1)

Forfeiture Allegation One

**TRIAL COUNSEL:**

Government: Matthew Moeder, Sean Foley, Stephanie Bradshaw; Paralegal Michelle Wells

Case Agent: ATF Special Agent Elizabeth White

Defense: Martin Warhurst

**OUTSTANDING MOTIONS:** None

**ANTICIPATED MOTIONS:** Government - F.R.E. Rule 404(b) Notice; Defense - None

**TRIAL WITNESSES:**

Government: 50 without stipulations if four defendants go to trial; premature to address stipulations specific to each defendant

Defense: 3 witnesses, including Defendant who ( ) will  
(x) may  
( ) will not testify

**TRIAL EXHIBITS:**

Government: 300 exhibits with four defendants going to trial

Defense: No additional exhibits

**DEFENSES:**

☒ defense of general denial

☐ defenses of general denial and \_\_\_\_\_

**POSSIBLE DISPOSITION:**

☒ Definitely for trial

☐ Possibly for trial

☐ Motion to continue to be filed

☐ Likely a plea will be worked out

**TRIAL TIME: 10 days for trial with four defendants**

Government's case including jury selection: 7-8 days

Defense case: .5 days

**STIPULATIONS:**

☐ not likely

☐ not appropriate

☒ likely as to:

☒ chain of custody

☐ chemist's reports

☐ prior felony conviction

☐ interstate nexus of firearm

☒ other: foundation of search warrant executions

**UNUSUAL QUESTIONS OF LAW: None****FILING DEADLINES:****Witness and Exhibit Lists:**

Government: On or before June 24, 2024

Defense: On or before June 24, 2024

**Counsel are requested to list witnesses in alphabetical order on their witness list.**

**Exhibit Index, Voir Dire, Jury Instructions:** On or before June 24, 2024

**Jury instructions must comply with Local Rule 51.1**

**Motions in Limine:** On or before June 24, 2024

**TRIAL SETTING:** Criminal jury trial docket commencing 7/8/2024

**Please note:** The Government requests trial start on the second week of the docket as Government Counsel has a conflict on July 8<sup>th</sup> and 9<sup>th</sup>. However, Government Counsel would be available beginning July 10<sup>th</sup>.

**OTHER:**

- ☐ A \_\_\_\_\_-speaking interpreter is required.  
☐ Other assistive devices:

**IT IS SO ORDERED.**

/s/ Jill A. Morris  
JILL A. MORRIS  
United States Magistrate Judge